IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:12-09-2006

CORAM

THE HON'BLE MR.JUSTICE P.JYOTHIMANI

W.P.No.31387 of 2006 &
M.P.No.1 of 2006

J.James .. Petitioner

Vs

1.The Director of Agricultural Marketing
Guindy
Chennai-600 032.
2.The Secretary
Villupuram Market Committee
Villupuram. .. Respondents

Petition filed under Article 226 of Constitution of India for the issuance of Writ of mandamus directing the first respondent to depute the petitioner to undergo the foundation training at civil Services Training Institute at Bhavani Sagar which is going to be commenced from 23.9.2006 and to grant periodical annual increment due to the petitioner from the year 1999 to till date.

For Petitioner : Mr.R.Muthukannu

For Respondents : Mr.A.Edwin Prabakar
Government Advocate

O R D E R

The petitioner was appointed as a Market Maistry on 2.11.81 and subsequently he was promoted as Junior Assistant on 30.3.98. His service was regularised, in the post of Junior Assistant, with effect from 30.3.98, vide proceedings No.B1 3770/2004 dated 4.8.2004.

2. The respondents have drawn the Seniority List, in the cadre of Junior Assistant, as on 01.04.2005, on 04.05.2005 and the petitioner is shown as in the serial No.11.

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3. Admittedly, for the next post of Assistant, the Junior Assistant have to undergo the Foundation Training in Civil Service Training Institute at Bhavani Sagar.

4. The grievance of the petitioner is that even though he is placed in the serial No.11, many of his juniors particularly placed in serial Nos.14, 19 & 20 namely S.Rangarajan, K.Kalai Selvi and D.Jakkulin respectively have been sent for Foundation Training in Civil Service Training Institute at Bhavani Sagar, so as to enable them to be posted as Assistants.

5. It is the case of the petitioner that in respect of the persons who were appointed before 30.12.2001, the period of training is 35 days and in respect of others, i.e. persons who were appointed after 30.12.2001, the training period is 60 days. The next training is going to be commenced from 23.09.2006.

6. In these circumstances, the present writ petition has been filed for a direction against the first respondent to depute the petitioner to undertake the Foundation Training in Civil Service Training Institute at Bhavani Sagar.

7. It is also seen that the petitioner has made many representations claiming his right to be sent to the Foundation Training, in Civil Service Training Institute at Bhavani Sagar and the said representations were dated 27.4.2006 and 21.6.2006. In spite of the same, as on date, the petitioner has not been selected for the Foundation Training in Civil Service Training Institute at Bhavani Sagar which resulted the petitioner to file this writ petition.

8. When the matter came up for admission, this Court has directed the learned Government Advocate to take notice and report the instructions.

9. The learned Government Advocate on instructions would submit that a direction may be given to the first respondent to consider the representation of the petitioner dated 21.6.2006.

10. In view of the fact that the Foundation Training in Civil Service Training Institute at Bhavani Sagar itself will be commenced on 23.09.2006; and of the fact, admittedly, in the Seniority List drawn by the respondent, dated 04.05.2005, the petitioner is placed at Serial No.11 and that the juniors in the above said Seniority List have been selected for training; I do not think that there will be any legal impediment in allowing the petitioner to take part in the Foundation training at Bhavani Sagar.

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11. In view of the same, the first respondent is directed to consider the representation of the petitioner dated 21.6.2006 and allow the petitioner to take part in Foundation Training in Civil Service Training Institute at Bhavani Sagar which is going to be commenced from 23.09.06 if there are no other legal impediment and such order shall be passed within a period of 10 days from the date of receipt of copy of this order. With the above observation, this writ petition is disposed of. Consequently, connected M.P. is closed. No costs.

jikr

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1.The Director of Agricultural Marketing
Guindy
Chennai-600 032.
2.The Secretary
Villupuram Market Committee
Villupuram.

1 cc to Mr.R.Muthukannu, Advocate, SR.42192
1 cc to the Government Pleader, High Court, Madras-104, SR.42358

tjl (co)

dv/14.9.06

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